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Docket No. END-786

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Jesse J. Kuhns et al.

Serial No. : Art Unit:

Filed : December 10, 2001 Examiner:

For : **SURGICAL INSTRUMENT HAVING A  
FASTENER DELIVERY MECHANISM**



I hereby certify that this correspondence is being deposited with the  
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December 10, 2001

(Date of Deposit)

Kimberly M. Moses

Name of person signing the Certificate

*Kimberly Melissa Moses*

(Signature)

December 10, 2001

(Date of Signature)

Assistant Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a

continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/DLG/END-786 the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/DLG/END-786 the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner,  
Applicant will endeavor to supply copies at the Examiner's request.

☒ There are no listed references which are not in the English language.

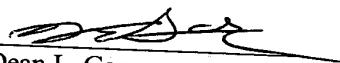
☐ The relevance of those listed references which are not in the English language is as  
follows:

☐ Attached are copies of search report(s) from corresponding patent application(s).

☐ Attached are the following non-published pending patent applications which may be  
deemed relevant.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/DLG/END-786.  
**One original and two (2) copies of this Information Disclosure Statement are enclosed.**

Respectfully submitted,

  
Dean L. Garner  
Reg. No. 35,877  
Attorney for Applicants

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
1-(513) 337-8559  
DATED: December 10, 2001

<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 1 of 3	<i>Application Number</i>	
	<i>Filing Date</i>	December 10, 2001
	<i>First Named Inventor</i>	Jesse J. Kuhns et al.
	<i>Group Art Unit</i>	
	<i>Examiner Name</i>	
	<i>Attorney Docket Number</i>	END-786

## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		3,740,994		De Carlo, Jr.	6/26/73	ALL
		4,325,376		Klieman et al.	4/20/82	ALL
		4,471,780		Menges et al.	9/18/84	ALL
		4,478,220		Di Giovanni et al.	10/23/84	ALL
		4,527,724		Chow et al.	7/9/85	ALL
		4,665,906		Jervis	5/19/87	ALL
		4,925,445		Sakamoto et al.	5/15/90	ALL
		5,171,249		Stefanchik et al.	12/15/92	ALL
		5,203,864		Phillips	4/20/93	ALL
		5,217,486		Rice et al.	6/8/93	ALL
		5,290,297		Phillips	3/1/94	ALL
		5,470,010		Rothfuss et al.	11/28/95	ALL
		5,582,616		Bolduc et al.	12/10/96	ALL
		5,601,573		Folgelberg et al.	2/11/97	ALL

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		PCT	98/11814	A1		3/26/98	ALL	
		EPO	0392750	B1		1/25/95	ALL	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. <sup>6</sup> 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

U.S. PTO  
12/10/01

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 3

<i>Application Number</i>	
<i>Filing Date</i>	December 10, 2001
<i>First Named Inventor</i>	Jesse J. Kuhns et al.
<i>Group Art Unit</i>	
<i>Examiner Name</i>	
<i>Attorney Docket Number</i>	END-786

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		Number	Kind Code <sup>2</sup> (if known)			
		5,673,842		Bittner et al.	10/7/97	ALL
		5,810,882		Bolduc et al.	9/22/98	ALL
		5,830,221		Stein et al.	11/3/98	ALL
		5,833,700		Folgelberg et al.	11/10/98	ALL
		5,878,938		Bittner et al.	3/9/99	ALL
		5,921,997		Fogelberg et al.	7/13/99	ALL
		6,113,611		Allen et al.	9/5/00	ALL

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<p><b>Substitute for form 1449A/PTO</b></p> <p style="text-align: center; font-size: 1.5em; font-weight: bold;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p style="text-align: center;">(use as many sheets as necessary) Sheet 3 of 3</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><i>Application Number</i></td> <td></td> </tr> <tr> <td><i>Filing Date</i></td> <td>December 10, 2001</td> </tr> <tr> <td><i>First Named Inventor</i></td> <td>Jesse J. Kuhns et al.</td> </tr> <tr> <td><i>Group Art Unit</i></td> <td></td> </tr> <tr> <td><i>Examiner Name</i></td> <td></td> </tr> <tr> <td><i>Attorney Docket Number</i></td> <td>END-786</td> </tr> </table>	<i>Application Number</i>		<i>Filing Date</i>	December 10, 2001	<i>First Named Inventor</i>	Jesse J. Kuhns et al.	<i>Group Art Unit</i>		<i>Examiner Name</i>		<i>Attorney Docket Number</i>	END-786
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[illegible]

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